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Federal Policy on Land Use



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Federal Policy on Land Use

The purpose of this publication is to outline the Federal Policy on Land Use: A policy to guide federal policies and programs as they affect land use and to guide the management of federal lands.

The federal government recognizes that the wise use and sound management of the nation's land resources are essential to the attainment of many of the nation's goals. The provincial governments have legislative jurisdiction over the general regulation and control of land within their boundaries and the federal government has no intention of intruding in the area of provincial jurisdiction with respect to land. The federal government has legislative jurisdiction over the general regulation and control of large areas of land in the Territories and over some land, mainly federally owned, in the provinces. Furthermore, federal government policies and programs markedly affect the allocation, use and management of both private and public lands.

Land is the basis of national sovereignty, a primary factor in production of food and fibre, and its use a determinant of the quality of life for present and future generations. Sound land use is fundamental to achieving the political, social and economic goals of a society. Land provides food, fibre, minerals, fuels, shelter, water and oxygen, and is an essential element in the control of pollution and the maintenance of productive ecosystems. Consequently, the way in which land is used will shape the way in which a society functions.

In Canada, the nature, extent and capability of the land resource vary widely from region to region. In all instances, however, the high quality land base for production is limited, thus imposing a need to use the land wisely in order to obtain maximum sustained benefits. The inter-regional exchange of commodities derived from land is a significant factor in the national economy and achievement of national goals.

Current land issues relevant to Canadian society include the loss of high quality agricultural land; the increased need for industrial and residential land and its high cost; the concerns over location of transportation and energy facilities; access for mineral exploration and development; the settlement of native claims; the preservation of unique habitats for wildlife; and preservation of land of recreational, historical, cultural or aesthetic importance. The increased demands for such land and the resulting land-use conflicts make it imperative that rational land-use decisions are made in order to meet Canada's present and future needs. To this end it is essential that effective means for assessing, allocating and managing Canada's limited land resources are developed.

This document enunciates a policy goal with accompanying principles, policy statements and guidelines by which the federal government will assess, develop and adapt its programs and policies to ensure a positive contribution to the wise use of Canada's land resources and thereby contribute to the achievement of Canada's goals.

The Goal

To ensure that federal policies and programs and the management of federal lands contribute to the wise use of Canada's land resources.



Guiding Principles

The federal government will pursue this goal by applying policy statements and land-use guidelines while observing these principles:

- A widely understood, comprehensive and current appreciation of land, its characteristics and use is fundamental to sound land-use decisions by Canadians and their governments.
- The free exercise of a) private rights and obligations associated with land ownership; and b) the operation of the market as the prime allocator of privately-owned land must be preserved unless clearly demonstrated to be contrary to the public interest.
- The provinces have legislative jurisdiction over the general regulation and control of land use within their boundaries, with the exception of federal lands.
- Governments must be accountable for the current impact and long-term effects of their land policies and programs.
- Between governments and within any government, harmony of policies and programs that affect land is fundamental to dealing with land-use problems.
- Land-use policies, while recognizing biological and physical constraints, at the same time must reflect changing economic, technological and environmental conditions, and public attitudes.

Policy Statements

- 1. The federal government will pursue the achievement of the policy goal through a cooperative federal/provincial approach, and will support those provincial land-use objectives, policies and programs that it views to be operating in the national interest.**
- 2. The federal government will acquire and manage lands necessary for those activities for which it is responsible, so as to combine efficient provision of federal government services with the achievement of broader social, economic and environmental objectives.**

The Treasury Board Advisory Committee on Federal Land Management will consider 1) the Policy Statements and 2) the Guidelines in this document to develop policies and guidelines in support of the federal land management policy. Federal departments and agencies (listed in schedules A, B and C of the *Financial Administration Act*) will ensure the sound planning and safe development of lands for which they are responsible by ensuring that the Treasury Board Advisory Committee on Federal Land Management reviews all plans for federal facilities such as:

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| • airports | • small craft harbours |
| • canals | • community pastures |
| • ports and harbours | • defence and public works |
| • parks and wildlife areas | |

on all lands owned or to be acquired by the federal government.

Ministers will provide these Guidelines to federal Schedule D Crown Corporations to guide their land-use decisions.

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- 3. The federal government will review its policies and programs in order to identify where and how its activities influence the use of private and public land and the evolution of land-use patterns.**

The responsibility to conduct such reviews rests with individual departments, with guidance as required from the Interdepartmental Committee on Land.

- 4. The federal government will ensure that all significant land-related projects initiated by the federal government, for which federal funds are provided, or for which federal property is required, are subject to the Federal Environmental Assessment and Review Process or a provincial equivalent so that potential environmental and land-use ill effects can be identified and mitigated.**

- 5. The federal government will identify and, as appropriate, protect through designation or acquisition, lands of particular value to the nation because of historical, cultural, recreational, aesthetic or ecological importance.**

Programs that deal specifically with these lands are being carried out within the Department of Indian and Northern Affairs and the Department of the Environment.

Representative samples of Canada's natural landscapes, seascapes and ecosystems are acquired and maintained through the *National Parks Act*.

Under the *Historical Sites and Monuments Act*, sites of historical and cultural value to the nation are preserved and, as required, acquired by the federal government.

The *Territorial Lands Act* is used in the Territories to set aside lands of particular value such as game sanctuaries and national forests. Federal/

provincial/territorial agreements under the Agreements for Recreation and Conservation Program identify and protect lands considered to be important recreational resources.

Under the *Canadian Wildlife Act* and *Migratory Birds Convention Act*, wildlife areas and sanctuaries are designated and acquired.

- 6. The federal government will provide a coordinated program of surveys and socio-economic, scientific and technical research on land capability, characteristics, tenure and use.**

Surveys and research in the fields of:

- geological surveys
- topographic mapping
- soils
- ecological mapping
- social, economic and environmental aspects of land use
- identification of critical lands
- land-use monitoring
- forest inventories
- water surveys
- collection of socio-economic data relating to land use

are key elements in the formulation of sound land-management strategies by all who influence the use of land.

- 7. The federal government will provide information to the public on the land resource and its use as a primary means of achieving wise management of this resource.**

Current and accurate information should be central to decisions made by land owners. The federal government will ensure that its departments and agencies coordinate their activities so that the required information is provided in the most effective and efficient manner.

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8. The federal government will discourage inappropriate use of hazard-prone lands such as those subject to floods, erosion, slumping, avalanches, seismic activity and other man-made or natural hazards.

Present programs within the Department of the Environment and other departments identify and designate potential risk areas. These include programs to discourage new investment in flood risk areas under the federal/provincial Flood Damage Reduction Program, and regulations under the *Aeronautics Act* to regulate the use of land surrounding airports.

9. The federal government will honour its obligations to native peoples with respect to the settlement of land claims and in satisfaction of outstanding treaty land entitlements. It will ensure that all lands made available in satisfaction of native land claim settlements are subject to appropriate environmental provisions.
10. The federal government recognizes that foreign land ownership issues are most effectively managed by the provinces.
- Parliament in 1973 delegated administrative authority to the provinces to control the ownership of land by foreigners.
11. The federal government will apply the following land-use guidelines to federal policies, programs and activities which may affect land and to the management of its land holdings.

Land-Use Guidelines

These guidelines reflect concern for the nation's land resource and will be used to guide federal policies and programs. Where possible, all government departments and agencies will apply these guidelines in the implementation of their policies, programs and activities. The guidelines will be reviewed periodically and may be revised in the light of changing socio-economic and environmental conditions.

- A. The impact of policies and programs on urban land will be considered. Appropriate action will be taken to support urban land use which leads to economically efficient urban areas, and a high quality physical and social environment for urban residents.
- B. The impact of policies and programs on land with high agricultural capacity will be considered. Appropriate action will be taken to minimize the conversion of such lands to uses incompatible with long-term food production.
- C. The impact of policies and programs on land with high forestry capacity will be considered. Appropriate action will be taken to ensure the maintenance of such lands for sustained fibre production.
- D. The impact of policies and programs on the use and development of lands with potential for production of non-renewable resources such as minerals, hydrocarbons and aggregates will be considered. Appropriate action will be taken to ensure access and, where required, rehabilitation.
- E. The impact of policies and programs on land required for transportation and communication services will be considered. Appropriate action will be taken to help ensure that it will be available for future requirements.
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- F. The impact of policies and programs on watersheds, aquifers, recharge and storage areas, and other lands critical to the quality and quantity of the nation's water supply will be considered. Appropriate action will be taken to ensure their protection.
 - G. The impact of policies and programs on lands which are of particular value because of historical, cultural, recreational, aesthetic or ecological importance will be considered and appropriate action will be taken to preserve or enhance their value as a national heritage.
 - H. The impact of policies and programs on fragile and critical habitats will be considered and appropriate action will be taken to prevent unnecessary damage to such lands.
 - I. Federal policies and programs will not contribute to inappropriate use of hazard lands or inappropriate siting of hazardous processes.
 - J. Local, regional and provincial concerns, plans and zoning will be considered, and appropriate action will be taken to ensure that the federal influence on land and local environments has a positive impact.

